

MINUTES

Eugene Human Rights Commission
Equity and Human Rights Office – 99 West 10th Avenue
Eugene, Oregon

February 18, 2014
5:30 p.m.

PRESENT: Andrew Thomson, Chair; Chris Nunes, Vice Chair; Ken Neubeck, David Van Der Haeghen, Debra Merskin, Arun Toke, Mary Clayton, Philip Carrasco, Richie Weinman, Edward Goehring, Councilor Greg Evans commissioners; Lindsey Foltz, Michael Kinnison, staff

ABSENT:

The mission of the Human Rights Commission is to promote implementation of human rights values and principles in all City of Eugene programs and throughout the wider community.

To carry out this mission the commission shall affirm, encourage, and initiate programs and services within the City of Eugene and the wider community designed to place priority upon protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. To support and promote human rights, the commission will: provide human rights education, be proactive in human rights efforts, address human rights violations, ensure active public participation, be transparent and open, and be publicly accountable for human rights progress.

1. **Welcome from Chair/Agenda Review and Adjustment** – Commenced at 5:35 pm

Edward Goehring moves to approve agenda as presented, Mary Clayton seconds, unanimous.

Richie Weinman moves to approve minutes as presented for January 21 meeting, Ken Neubeck seconds, unanimous.

2. **Public Comment**

Art Ballinger – concerned that Whoville will simply be shut down after 30 days since Councilor Syrett's motion was changed to closure after 30 days as opposed to closure once a new location is developed. Thanks the HRC for timely input and support.

Jennifer Frenzer – Thanks the HRC for support on Whoville. Jean Stacy requested city staff liaison, however she states that the information flow is still one sided not getting a lot of information from the City. They hear there are meetings about site

identification but don't feel they are being given access to those meetings for input. Issue is still imminent. People are simply looking for a place to sleep and be safe.

3. Funding Requests

Integration Network Conference- May 2014

Ken Neubeck and Phil Carrasco have been attending monthly IN meetings and have been involved in planning a conference which will be scheduled for May. Ken will be co-chairing workshop on law enforcement and Phil will be chairing the civic participation workshop with Raquel Hecht. It is a county-wide multi-agency effort and will be held at Springfield High School. Childcare will be provided as will food to encourage families to attend.

Richie Weinman moves to approve \$200 co-sponsorship, Chris Nunes seconds, unanimous

Arun Toke is also willing to volunteer if needed.

4. Police Auditor Presentation

Brochure handed out, information also available on the web

Brief overview of Auditor's office, 2009 was when Mr. Gissner arrived. Creation of office stemmed from criminal acts by EPD Officers. Our first responsibility was an intake point outside of the police department for complaints. Oversight of the investigative process bolsters transparency for those reports. Another responsibility is the Civilian Review Board, 7 volunteers to provide oversight and review over investigations and the Auditor's office. Meets about 10 times per year and discuss cases that are chosen collaboratively and that are complex and involve difficult decisions.

The office processes some complaints that might be more appropriate for an ombudsman role. Excessive use of force, bias treatment or disparate treatment, search and seizure issues should be primary responsibility. Respond to crisis incidents such as officer involved shootings. 16,000 citations per year by EPD, 10,000 arrests. That is a high per capita ratio. For the sake of comparison last year Portland had 20,000 arrests and has more than 4 times the populations.

Many complaints fielded regarding driving and response times. Eugene has 179 police officers, by comparison Cincinnati with double the population has about 1000 officers. This necessitates slower response times due to lack of personnel resources.

Profiling, about 18% of police agencies nationally collect profiling data, some under consent decree from the D.O.J., some voluntarily. Mostly on traffic stops. Arrest numbers for Eugene are fairly consistent with population. Part of the issue in Eugene is that Latinos were counted as white, in the new system that has changed and will be collected separately. Is profiling going on in Eugene? We don't know, a lot of things haven't been documented. Capturing that information is important. I'm advocating for a foundational policy that is consistent with DOJ recommendations and Police Executive Research Forum that can be adjusted as necessary. The contact card that I like is the Miami Dade card that could be easily filled out via smart phone to cut down on administrative time. Gender, race, age, should be tracked. Typically in profiling cases it is extraordinarily difficult to prove. You need statistics to back up circumstances, such as the New Jersey case. With the addition of data we can get a better view. The system needs to be nimble and seamless and we need to invest in technology to make it so. Otherwise we'll see a dip in citations.

Ken Neubeck asked if any locality use housing status when considering profiling? Mr. Gissner replied that no, it's not done. It was tried before and there was recoil when officer asked those types of questions of individuals.

Mr. Gissner continued that when officers initiate casual conversation is a concern amongst many community members. There's psychologically an intimidation factor, even when people are free to go. That's also an issue from a public education standpoint as well, that people understand their rights about when they are free to go.

Data led policing typically will enforce more in lower socio-economic areas. These are important things to identify if there are profiling issues at play.

Ken Neubeck asks who gets to identify race/ethnicity, officer or community member?

Mr. Gissner replied that the foundation will be that it is officer identified, refinements can be made.

Edward Goehring moves to add 5 more minutes, Councilor Evans seconds unanimous.

Edward Goehring continues, Police Commission has been working hard on input. He also notes that people approach him and indicate that the Auditor has not sufficiently handled their concerns and wants to know what would cause a complaint to be rejected.

Mr. Gissner replies that if it is a rights based problem it is likely to be classified as an allegation of misconduct, and will be investigated by Internal Affairs. Unless it is out of jurisdiction their complaint will be processed. Some of them are policy complaints. We resolve issues typically within 120 days, much faster than most places. There is a satisfaction survey at the resolution of each complaint.

Mr. Gissner continues that in terms of language access there are brochures available in Spanish. We are not a spontaneous organization, we can make appointments and assure proper translators. We have been able to quickly arrange translation for a variety of languages, based on needs, in the past.

5. Editorial Endorsement

Ken Neubeck, several agencies are working to gather endorsements for an Op-Ed piece that will appear in the LA Times.

They are asking for an endorsement of the letter with the HRC listed as an endorser when it appears in the times.

Will the HRC be listed as an endorsing agency? The understanding is yes, and that there are others such as LA Human Relations and San Francisco, and the national organizations.

Richie Weinman, has concern over endorsing a non-local issue in a non-local venue.

Debra Merskin has concerns over conflation of pan-handling and begging with homelessness in the way the article is written.

Ken Neubeck, I think this is a general statement that is generally applicable.

Edward Goehring, if there was a way to issue our own statement in support and are not just pointing fingers at others, in some bigger cities they have been taking people with mental health issues and poverty issues and giving them a Greyhound ticket to certain cities. Many perceive homeless are “not from here” seen as outsiders not neighbors that they might have known. I don’t know if there’s a problem with endorsement, our situation is different than some places.

Arun Toke, I think that the L.A. times is a national paper and it applies to us, and we could seek to re-print it in the Register Guard.

Ken Neubeck makes a motion to endorse, Arun Toke seconds, Debra Merskin, Chris Nunes, Mary Clayton, Richie Weinman, Philip Carrasco, Andrew Thomson, Edward Goehring, and Councilor Evans, affirm; David VanDerHaeghen opposes; the motion carries.

6. Public Interest Environmental Law Conference Speaker Discussion

Lierre Keith coming to speak at PIELC, community member contacted Chair and had concerned about anti-trans tenor of beliefs.

Ken Neubeck, I think we could issue a general statement that the anti-trans language and denial of transgender identity is intolerable.

Edward Goehring, disagreement is OK, you have the right to say it, we can say we think that the views expressed are intolerable.

Richie Weinman, I'm struggling because it is not what they are coming to talk about. It feels out of bounds to get involved unless it is the topic they are addressing.

Mary Clayton, the conference has had conference controversial speakers in the past, the students who organize the conference invite people that they feel are important for environmental law issues. They are used to controversial speaker issues. But that's not the point of the conference.

Debra Merskin, free speech protects speech we don't like, the person is not here to speak on these issues, there are situations where "un-American" speakers were uninvited and funding was pulled even when they were not invited to speak on the sensitive issues. I am disturbed by the fact-finding on these other issues.

Chris Nunes, I'm really torn on the issue, there is value in considering their expertise separate from their controversial views, it is at the University and not a City event. The speech doesn't make people feel welcome to your conference even if they are not asked to speak on those topics, and yet we want to acknowledge that there is free speech.

Phil Carrasco, this could simply generate more negative attention for the conference and could hamper the ability of the conference to accomplish their mission

Edward Goehring, the fact that it is happening in an academic context makes me uneasy in terms of responding.

Councilor Evans, there are a lot of things that are bigotry cloaked in the guise of academic freedom. If this individual is coming to speak negatively about transgender issues that would be different, if people want to condemn that individually that is up to you, I don't feel it is the role of the commission to weigh in as a body.

7. ACLU Annual Meeting: Marriage Equality

Andrew Thomson is asking on behalf of ACLU if the HRC would like to co-sponsor the event (not funding-wise) just in terms of support. Concerned about opposition and voter apathy. There will be a few speakers, and there will be space for partner organizations to state their position.

Mary Clayton moves that the HRC partner with the ACLU on their program for marriage equality, Richie Weinman seconds, unanimous, Andrew Thomson abstained for conflict of interest reasons.

8. Commissioner Reports

Arun Toke – BIG event speaker, former Mayor of Seattle, was an excellent speaker, except for the snow/ice it was not well attended. Passed out information about Boards and Commissions to other attendees.

Outreach for Boards and Commissions – Edward paid for a PSA on Diverse Eugene Facebook page that was viewed by 2500 people. Sub-committee met to discuss, strategies, looking for help reaching out to Eugene Weekly, Debra Merskin and Edward Goehring will assist.

Asian Celebration – Mary Clayton reported many people were interested in City Hall and she did outreach on Boards and Commissions recruitment.

Police Commission – The stops policy, record keeping, looking at stopping people through the lens of bias. Edward has been pushing consideration of enforcement and also service delivery. Socio-economic status is not a protected class. There is some traction on race and sexual orientation for example. There are not good exemplars of socio-economic status. There will be a forum on March 13 with panelists, including probably Ken Neubeck as an HRC commissioner. Non-bias policy will take a few years to roll out. The draft policy will likely be rolled out in the next two months. The policy would be looked at again in a year. The Police Commission seems open to working with the HRC on this topic.

CDBG Grants – Chris Nunes reports about \$300,000 from HUD available for local dispersal, community organizations and city groups vie for the same funds, the applications are in review.

AAG – Andrew Thomson reports there is a new designation for ADA parking spots for wheelchair only, a specific placard will be required. People without the wheelchair placard can be ticketed for parking in the wheelchair only spots. Trying to reach out and notify community so people can avoid tickets.

Working with the Register Guard seems like a good idea with photos of the new signs to notify the public.

CRB – Mary Clayton attended their meeting last week, the CRB is a group of citizens that reviews Auditor cases that are completely closed, they deal with the more serious or complicated issues, such as use of force or constitutional issues, there are 2 Internal Affairs officers that investigate and the auditor oversees. The CRB looks at the case to comment on the process, not change the outcome of particular cases. Very thorough discussion of each case. The cases reviewed last week include the one that was in the Register Guard regarding the officer that struck a child who bit his arm. The CRB felt that under the circumstances the response was reasonable. The second case was when a woman was stopped for a traffic violation. Her car was impounded because she didn't have insurance. This was an issue of constitutionality because of a

search. The victim sent a letter which the CRB appreciated as a useful source of perspective. The pat down of the community member was the issue, which was determined to have been done inappropriately. The cases are determined by the auditor, though the CRB can initiate.

Homelessness Work Group met last week, will meet again tomorrow. One thing discussed was a forum for leaders to meet with the unhoused, sometime in April.

9. Staff Update

Michael Kinnison reports that information on current staff work is in the packet for HRC reference, this will appear from now on to save meeting time.

Council took action to amend the code to include transgender individuals in the definition of sexual orientation in alignment with State law. This concludes a request fielded by the HRC in March 2013.

Annual reports coming out for Rights Assistance Program and Hate and Bias Report, by end of month.

NUSA conference registration will open next month, Edward is a conduit of information.

Public Library talk about “Why aren’t there more Black people in Oregon, a hidden History” will be held February 23, 2014.

USHRN – Human Rights Training coming up, scholarships are available, see the information in the packet or feel free to contact staff if you have any questions.

While Lindsey Foltz is on maternity leave please contact Michael Kinnison with any questions or concerns. Lorna Flormoe will also be assisting with HRC support.

10. Closing

Think about rearranging Commissioner and Councilor reports.

Chairs will check in with Councilor Evans on how to support this.